



FRESNO COUNTY

CENTRAL COMMITTEE

CANDIDATE GUIDE

MARCH 5, 2002



Victor E. Salazar
County Clerk/Registrar of
Voters
2221 Kern Street
Fresno CA 93721

NOTE TO CANDIDATES

The 2001 Candidate Guide is intended to provide general information about the subject matter covered and does not have the force and effect of law, regulation or rule. It is distributed with the understanding that the County Clerk/Registrar of Voters is not rendering legal advice and therefore the Candidate Guide is not to be a substitute for legal counsel for any individual or candidate. In case of conflict, the law, regulation, or rule will apply.

Victor E. Salazar
County Clerk/Registrar of Voters



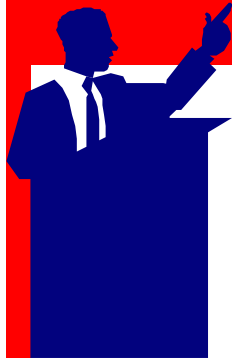
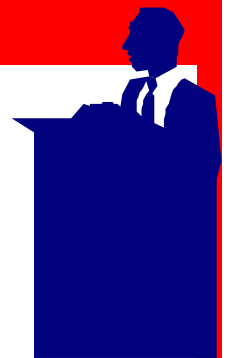


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IMPORTANT ADDRESSES AND TELEPHONE NUMBERS

Fair Political Practices Commission

P.O. Box 807 (95812-0807)

428 J Street, Ste. 800

Sacramento, CA 95814

Phone (916) 322-5660

Fax (916) 322-3711

Internet: www.fppc.ca.gov

Campaign Disclosure

State Contribution Limits

Conflict of Interest Disclosure

Lobbying Disclosure

Conflict of Interests Disqualification

Proper Use of Campaign Funds

To Report a Violation:

(800) 561-1861

Secretary of State

Political Reform Division

P.O. Box 1467 (95812-1467)

1500 11th Street, Room 495

Sacramento, CA 95814

Phone (916) 653-6224

Fax (916) 653-5045

Committee Identification Numbers

Termination of Committees

Secretary of State

Elections Division

(916) 657-2166

Questions Related to the Elections Code Filing

Internet: [//www.ss.ca.gov](http://www.ss.ca.gov)

Federal Election Commission

(800) 424-9530

Federal Campaign Disclosure Contributions from

National Banks, National Corporations, and Foreign
Nationals

Internet: www.fec.gov

State Franchise Tax Board

(800) 338-0505

Committee Tax Status

Tax Deductible Contributions

Charitable Non-Profit Groups

Any other Tax-Related Questions

Internal Revenue Service

(800) 829-1040

Federal Taxpayer I.D. Numbers

Any Other Tax-Related Questions

Attorney General

(800) 952-5225

Brown Act Requirements

Fresno County Elections

Victor E. Salazar

County Clerk/Registrar of Voters

(559) 488-3246

■ **Voter Services**

(Absentee/Registration)

(559) 488-3246

Candidate Filing

(559) 488-3637

Computer Tapes/Diskettes/Daily

AV/Report/Labels

(559) 488-2969

■ **Elections Operations**

(Campaign Statement Filing)

(559) 488-1620

Mapping

(559) 488-6713

Precinct Officers/Polling Places

(559) 488-1620

■ **Elections Warehouse**

(559) 488-3253

Fax (559) 488-3279

Internet:

<http://www.fresno.ca.gov/2850/index.html>

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MEMBERS OF COUNTY CENTRAL COMMITTEES TO BE ELECTED ON MARCH 5, 2002

PARTY	NUMBER TO BE ELECTED FROM EACH SUPERVISORIAL DISTRICT					TOTAL
	1ST	2ND	3RD	4TH	5TH	
Democratic (E. C. 7200)	5	5	4	4	5	23
Republican (E. C. 7400)	3	6	3	4	7	23
American Independent (E. C. 7650)	5	6	4	4	6	25
Libertarian	(At Large)					7
Green County Council	(At Large)					7
Natural Law	(At Large)					7
Reform	(At Large)					7

Note: Within 5 days after a committee meets for its organizational meeting, the newly elected chairperson of the committee shall notify the County Elections Official of his or her name. The Elections Official shall mail a certificate to that effect to the Secretary of State.
(Sections 7244, 7444, 7694, 7884 Elections Code)

Nomination Signatures Required: 20 Minimum 40 Maximum

Section 8068 of the Elections Code states that signers shall be voters in the district or political subdivision in which the candidate is to be voted on and shall be affiliated with the party, if applicable, in which the nomination is proposed.

In all cases it is suggested that more than the minimum number of signatures be obtained so that in the event any are marked "not sufficient", there will be enough "sufficient" signatures remaining to validate the petition.

When any political party has less than 50 voters in the county or district in which the election is to be held, then the candidate(s) only need to obtain signatures equal to one-tenth of the number of voters in that party.

Note: No filing fee is required for the office of County Central Committee.





AVAILABLE ELECTION SERVICES



ABSENT VOTER APPLICATIONS	Applications for an Absent Voter Ballot are provided upon request to each candidate or committee up to a maximum of 20. The candidate may copy this application for distribution in accordance with all the requirements in the California Elections Code. A "Guide to Absentee Voting for Fresno County" is also available.	(559) 488-3246
CAMPAIGN STATEMENTS	Copies of candidate and committee campaign statements (financial reports) are available on our website (http://www.fresno.ca.gov/2850/index.html) or in our office at \$.10 per page. Economic Interest Statements are also available at \$.10 per page. Note: Candidates for city offices file statements with their City Clerk.	(559) 488-1620
COMPUTER TAPES & DISKETTES	Computer CD's and diskettes and a copy of the fee schedule are available from Voter Services. The candidate or committee must complete a Public Records form and must pay before ordering.	(559) 488-2969
DAILY ABSENT VOTER ACTIVITY REPORT	Copies of the Daily Absent Voter Activity Report are available during the absentee voting period at \$.50 per page. Peel-off labels, CD's and diskettes are also available.	(559) 488-2969
INDEXES	Indexes are printed lists of registered voters by precinct, listed by address with the street names arranged alphabetically and street numbers in numerical order. A candidate may purchase up to two copies (sets) of indexes for his or her own use or the use of his or her committee. These may be a complete set (all precincts within a district) or a partial set (some of the precincts in a district). The fee of \$.50 per 1,000 names. A Public Records Application must be completed.	(559) 488-3246
LABELS	Peel-off labels are available from Voter Services. The Candidate or committee must complete a Public Records form and must pay before ordering.	(559) 488-2969
MAPS	The Fresno City map is \$3.45, the County map is \$2.60 and a complete set of all three is \$7.85. Maps of major and minor districts without precinct lines are \$2.50. Maps without precincts for major districts are \$.50 each. Custom-made maps, containing almost any data you request, are also available.	(559) 488-6713
POSTCARD REGISTRATION FORMS	Postcard registration forms are available for candidates and committees wishing to conduct voter registration drives. A "Voter Registration Guide" is also available.	(559) 488-3246
VARIOUS LISTS & REPORTS	Consolidation lists, District/Precinct Reports, Political Party Counts and statement of Votes are available for \$.50 per page. Polling Place lists are available for \$.50 per page.	(559) 488-3246 488-1620

SUMMARY OF PRIMARY ELECTION CALENDAR

Absent Voters/Absentee Ballots

Special Absent Voters Ballot Application	Jan. 7, 2002
Federal Election - Overseas Voter, Application for Absent Voters Ballot	Jan. 7 - Feb. 26, 2002
Mail Ballot Precinct:	Feb. 4- Feb. 26, 2002
Elections Official's Determination of	
Elections Official Mails Ballot	Feb. 4 - Feb. 26, 2002
Absent Voter Ballot Application (through the mail)	Feb. 4 - Mar. 5, 2002
Absentee Voting in Elections Office	

Candidates - Nominations

Signatures in Lieu of Filing Fees	Sept. 28 - Nov.7, 2001
Judicial, State, and State Legislature	Sept. 28 - Nov. 26, 2001
All other candidates	Oct. 29 - Nov.7, 2001
Declaration of Intention:	
Judicial, State, and State Legislature	Nov. 8 - Nov. 13, 2001
Declaration of Intention Extension:	
Judicial, State, and State Legislature	Dec. 8 - Dec. 12, 2001
Nomination Period Extension	December 13, 2001
Randomized Alphabet	December 17, 2001
Judges - Write-In Campaign when Not on Ballot	Jan. 7 - Feb. 19, 2002
Declaration of Write-In Candidacy and Nomination Papers	

Measures

Last Day to File Arguments	December 14, 2001
Last Day to File Rebuttal Arguments	December 24, 2001

Polling Places

List of Polling Places Available	February 4, 2002
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Registration

Last Day to Register to Vote	February 19, 2002
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MARCH 5, 2002 PRIMARY ELECTION

CALENDAR OF EVENTS

Wednesday, October 31, 2001 (125 days)	<u>County Central Committee - American Independent</u> The last day for the Secretary of State to compute the number of members of the American Independent party's County Central Committee to be elected in each supervisorial district. (E.C. 7650, 7671)
Saturday, November 10, 2001 (115 days)	<u>County Central Committee - Libertarian, Green Parties</u> Last day for the Elections Office to compute the number of members of the Libertarian, Green, Natural Law and Reform County Central Committees to be elected in each supervisorial district. (E.C. 7771)
*Tuesday, November 13, 2001 To Friday, December 7, 2001 (113 - 88 days)	<u>Nomination Papers</u> Between these dates, candidates may circulate nomination papers and file them with the County Elections Office. Candidates may obtain signatures to and sign their own nomination papers (E. C. 8020-8107)
Friday, December 21, 2001 (74 days)	<u>Death of Candidate - Nominations for Office</u> If only one candidate has filed for a partisan office and that candidate died after December 7, 2001 (the 88th day before the election) and by December 12, 2001 (the 83rd day before the election), any qualified person may file nomination papers by this date. (E. C. 8025)
Saturday, December 22, 2001 (73 days)	<u>County Central Committees - When Not On Ballot</u> The County Elections Official shall determine whether the number of American Independent, Democratic and Republican County Central Committee candidates exceeds the number to be elected from each supervisorial district. If not, the elections official will not include the office on the ballot, unless a petition signed by 25 registered voters indicating that a write-in campaign will be conducted for the office is filed with the County Elections Official by December 27, 2001 (68 days before the election). If no petition is filed, the Board of Supervisors will declare elected the candidates who were nominated. (E. C. 7228, 7423, 7673)
Thursday, December 27, 2001 (68 days)	<u>Death of Candidate - Omission From Ballot</u> Last day death of a candidate may cause the candidate's name to be omitted from the ballot. (E. C. 8809)
Monday, January 7, 2002 (57 days)	<u>First Day to File as a Write-in Candidate</u> The filing period to file as a write-in candidate begins on the 57th day before the election. No filing fee is required. (E. C. 8600-8604)
Sunday, February 3, 2002 (30 days)	<u>Snap Tally</u> Last day for the Secretary of State to notify the County Elections Official that certain offices or measures to be voted on are of more than ordinary public interest, and will require early tabulation and announcement (E.C. 14440)

Monday, February 4, 2002 (29 days)	<u>Precinct Boards -- Polling Places</u> By this date, the County Elections Official will establish precincts and polling places, and will appoint and notify the members of the precinct boards. (E. C. 12286) <u>Further Procedures Relating to Precinct Boards</u> Instructions for Inspectors (E. C. 12309) Mailing Notice of Appointment (E. C. 12307) Publication (E. C. 12105-12106) List of Precinct Boards to Central Committees (E. C. 12318)
Monday, February 4, 2002 (29 days)	<u>Absent Voter Ballot</u> First day to apply for an absent voter ballot and vote in the Elections Office. (E.C. 3001)
Monday, February 4, 2002 (29 days)	<u>Sample Ballots to Central Committees and Candidates</u> By this date, the County Elections Official will prepare sample ballots for each voter. The County Elections Official will submit copies of the sample ballots to Central Committees and candidates on the ballot. (E. C. 13300-13304)
Friday, February 8, 2002 (25 days)	<u>Indexes to State and County Central Committees</u> Last day for the County Elections Official to furnish indexes of voter registration at no charge to State and County Central Committees. Copies for everyone else cost \$.50 per 1,000 names. (E. C. 2185)
*Tuesday, February 19, 2002 (15 days)	<u>Close of Registration</u> Last day to register to vote for this election. (E.C. 2107)
Tuesday, February 26, 2002 (7 days)	<u>Absent Voter Ballot</u> Last day to apply to receive an absent voter ballot by mail. Applications must be received in the Elections Office by 5:00 p.m. (E.C. 3001)
Wednesday, February 27, 2002 To Tuesday, March 5, 2002 (6 days - Election day)	<u>Absent Voter Ballot - Authorized Representative</u> Voters unable to go to the polls may request an absent voter ballot in person from the County Elections Official, beginning on this date through Election Day. Voters who are confined and unable to apply in person may appoint an authorized representative to receive and return their ballot. For information on this procedure, call Voter Services at (559) 488-3246. (E. C. 3021)
Tuesday, March 5, 2002	<u>Election Day</u> The polls will be open from 7:00 a.m. until 8:00 p.m. (E.C. 14212)
Thursday, March 7, 2002 (2 days after election)	<u>Begin Canvass of Precinct Returns</u> The County Elections Official will begin the official canvass of the precinct returns and must complete it no later than April 4, 2002. (E. C. 15301)
Legal date is a holiday, extended to the next business day.	

**Tuesday,
April 2, 2002**
(28 days after
election)

Last Day to Canvass Precinct Returns

By this date, the County Elections Official will complete the canvass and submit a statement of votes to the Secretary of State. The County Elections Official will also certify to the governing body the results of all local candidates and measures. (E. C. 15301-15375)

NOTE:»»

Written Authorization from Candidate

A candidate may, in a written statement signed and dated by the candidate, designate a person to receive a declaration of candidacy form from the county elections official and deliver it to the candidate. Such statement shall include language indicating that the candidate is aware that the declaration of candidacy must be properly executed and delivered to the county elections official of the county of the candidate's residence by the end of the filing period. Such statement shall be retained by the county elections official. (E.C. 8028)

FAIR POLITICAL PRACTICES COMMISSION

COMMISSION OF FAIR POLITICAL PRACTICES COMMISSION

The Fair Political Practices Commission (FPPC) was created by the Political Reform Act of 1974; a ballot initiative passed by California voters as Proposition 9.

The FPPC educates the public and public officials on the requirements of the Act. It provides written and oral advice to public agencies and officials; conducts seminars and training sessions; develops forms, manuals and instructions; and receives and files statements of economic interests from many state and local officials.

The FPPC investigates alleged violations of the Political Reform Act, imposes penalties when appropriate, and assists state and local agencies in developing and enforcing conflict-of interest codes.

The FPPC regulates:

- ☐ campaign financing and spending;
- ☐ financial conflicts of interest;
- ☐ lobbyist registration and reporting
- ☐ post-governmental employment;
- ☐ mass mailings at public expense; and
- ☐ gifts and honoraria given to public officials and candidates.

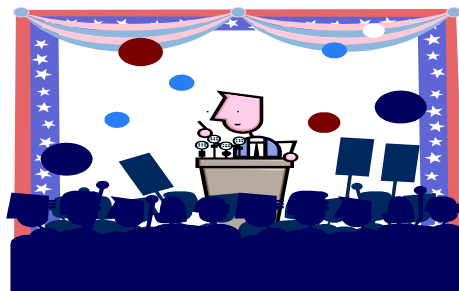
For additional information:

www.fppc.ca.gov

Toll-Free 1-866-ASK FPPC
(1-866-275-3772)

NOTE: An insert with Campaign Filing dates is included in this Candidate Guide.

NOTE: Candidates for federal offices (U.S. Senate and Representative in Congress) should contact the Federal election Commission at 999 E Street, N.W., Washington, D.C. 20463, or call (800) 424-9530 for filing requirements.



QUALIFICATIONS FOR OFFICE

Declaration of Candidacy

Candidates must file a Declaration of Candidacy with the Elections Office between **November 13, 2001** and **December 7, 2001**. Only forms issued by the Elections Office may be used. (E. C. 8020, 8101)

The candidate's name will be printed on the ballot exactly as it appears on the Declaration of Candidacy. Nicknames of candidates are permitted on the ballot provided the candidate has declared his or her candidacy or has accepted the nomination under that name. If a candidate changes his or her name within one year of any election, the new name shall not appear upon the ballot unless the change was made by marriage or decree of court of competent jurisdiction. (E. C. 13104)

Nomination Papers

All nomination papers must be filed by Friday, **December 7, 2001**. (E. C. 8020)

Nomination papers for a **Partisan** office must be signed by registered voters within the district and who are affiliated with the same political party as the candidate. (E. C. 8068)

No signer of a nomination paper can sign more nomination papers for candidates for that office than there are places to be filled. No more signatures shall be secured for any candidate than the maximum allowed nor less than the minimum required for the office. See page **2** for the amount of signatures required. (E. C. 8067, 8069)

A person signing nomination papers should sign his or her first name, middle initial (if applicable) and last name. Married women must sign their given name and not that of their husbands; i.e., Sue Jones, not Mrs. Bob Jones.

Electors must sign their name on the nomination paper in the presence of the circulator or the candidate and print their place of residence. It is important that the signer **personally write this information**. Signers must give their **residence** and not their business or mailing address on nomination papers.

When the desired number of signatures have been obtained, the circulator or the candidate must swear to the affidavit appearing at the end of each section of the nomination paper before any officer authorized to administer oaths, and return all sections to the candidate to be left with the Elections Office for examination or certification and filing. (E. C. 8063)

No fee or charge shall be made or collected by any officer for verifying any nomination document or circulator's affidavit. (E. C. 8080)

Any signature that does not appear in the same handwriting as appears on the affidavit of registration in the Elections Office, or in which the Declaration of Party affiliation is not the same as the party on the affidavit of registration, will be marked "Not Sufficient". (E. C. 8081)

The Elections Office will not accept for filing any nomination paper unless all blanks in the certificate are filled.
(E. C. 8065)

The Elections Office is not responsible for an excess or lack of publicity. All filing information is public and is given to reporters upon request.

Circulators

A candidate may circulate and obtain signatures for his or her own candidacy or may appoint one or more circulators to secure signatures on the nomination papers. (E. C. 8065, 8450)

A circulator appointed by a candidate shall be a voter in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision. (E. C. 8451)

A county elections official or a deputy county elections official shall not be appointed as circulators, and circulators shall not obtain signatures within 100 feet of any election booth or polling place. (E. C. 8452)

The candidate may appoint persons to circulate the nomination paper, but is no longer required to file an "**appointment of circulation form**".

Partisan Office Candidates

No Declaration of Candidacy for a partisan office, including County Central Committee, shall be filed unless (1) at the time of presentation of the Declaration and continuously for not less than three months immediately prior to that time, or for as long as he or she has been eligible to register to vote in the state, the candidate is shown on his or her affidavit of registration to be affiliated with the political party for the nomination of which he or she seeks, and (2) the candidate has not been registered with a qualified political party other than that political party the nomination of which he or she seeks within 12 months immediately prior to the filing of the declaration. The party affiliation is not applicable for candidates of political parties participating in their first direct primary election subsequent to their qualification as political parties. (E. C. 8001)

A candidate meeting the three-month registration requirement, but during the twelve month period was registered as "**Decline to State**", is eligible to file provided they were not at another time during the twelve-month period registered as affiliated with a party other than the party the nomination of which they seek. (Ops. Legis. Council - 5/26/61)

REQUIREMENTS FOR MASS MAILING

(Government Code 84305)

- (a)** Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee as shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.
- (b)** If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.
- (c)** If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).



MASS MAILINGS AT PUBLIC EXPENSE
(Government Code Section 89001)

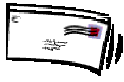
**NO NEWSLETTER OR OTHER MASS MAILING SHALL BE SENT AT
PUBLIC EXPENSE.**

A mass mailing is more than 200 substantially similar pieces of mail sent in a calendar month. Mailings sent in response to a specific, unsolicited request are not "mass mailings." (Government Code Section 82041.5)

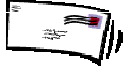
CURRENT RESTRICTIONS

References to Elected Official:	Permitted	Prohibited
Name in agency letterhead?	X	
Name in roster?	X	
When Elected Official controls or directs mailing:	Permitted	Prohibited
Name in text of document?		X
Photograph of elected official?		X
Signature of elected official?		X
When Elected Official is "affiliated with" agency sending mailing but IS NOT involved in preparation of document:	Permitted	Prohibited
Name in text of document?	X if not featured	
Photograph of elected official?		X
Signature of elected official?		X
When Elected Official is "affiliated with" agency sending mailing AND IS involved in preparation of documents:	Permitted	Prohibited
Name in text of document?		X

EXCEPTIONS



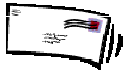
200 or less substantially similar pieces sent in a calendar month.



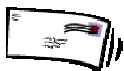
Mailings sent in response to an **unsolicited** specific request. Unless continuing mailings are specifically requested, only one response is permitted.



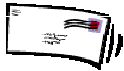
Mailings sent to other government agencies or officials.



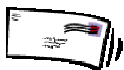
Press releases sent to the media.



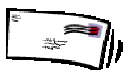
Mailings sent in connection with payment or collection of public funds.



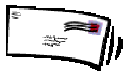
Essential mailings from agencies that administer a government program to persons subject to that program.



Legal notices and other mailings required by law or court order, where signature of elected official is necessary.



Telephone directories, organization charts, and similar listings or rosters, where name of each individual listed is in the same type size and typeface.



Mailings to constituents solely to announce time, date, place and subject matter of a public meeting directly related to elected official's incumbent governmental duties.



Agendas and other notices required under open meeting laws.



Announcements of the time, date, place and subject matter of official agency events, including a listing of elected officers and others who will participate.

Handouts available at agency's offices or agency meeting for members of the public to pick up for themselves.

METHODS OF DISTRIBUTION COVERED

- ✓ United States Postal Service
- ✓ Any commercial delivery service
- ✓ Delivery by agency personnel or agents of the agency
- ✓ Volunteer delivery mechanisms.
- ✓ Paid advertisement in newspapers and other publications.
- ✓ Electronic mail communications, other than those sent to pay subscribers of an electronic mail service.

A MINI-GUIDE TO PETITIONS

WHO CAN CIRCULATE, WHO CAN SIGN

Petitions in Lieu of Filing Fee

CIRCULATOR:

Resident of the jurisdiction and of the county in which he/she gathers signatures. §8106(b)(4)

CIRCULATOR:

Resident of the jurisdiction and of the county and registered with the same party as the candidate for whom the petition is being circulated, except that a declines-to-state registrant may sign the petition of any partisan candidate whose party, at the time of submission of the petitions for verification, has notified the Secretary of State that it has adopted a rule allowing such registrants to vote their party's ballot at the ensuing primary election.

Nomination Paper

CIRCULATOR:

Resident of the jurisdiction and of the county in which he/she gathers signatures. §8106(b)(4)

CIRCULATOR:

Resident of the jurisdiction and of the county and registered with the same party as the candidate for whom the petition is being circulated

NOTE:

The candidate may appoint persons to circulate the nomination paper, but is no longer required to file an appointment of circulator form.



BALLOT DESIGNATION

No title or degree shall appear on the same line on the ballot as candidate's name, either before or after the candidate's name. (E. C. 13106)

Immediately under the name of each candidate may appear only one of the following designations:

- (a) Words designating the elective city, county, district, state or federal office which the candidate holds at the time of filing the nomination documents to which the candidate was elected, or appointed, in the case of a Superior Court Judge.
- (b) The word "incumbent" if the candidate is a candidate for the same office that the candidate holds at the time of filing nomination papers, and was elected to that office, or in the case of a Superior Court Judge, was appointed to that office.
- (c) No more than three words designating the current principal professions, vocations, or occupations of the candidate. For purposes of this section, all California geographical names shall be considered to be one word.
- (d) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed".

Neither the Secretary of State nor any elections official shall accept a designation which:

- (a) Would mislead the voter.
- (b) Would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.
- (c) Abbreviates the word "retired" or places it following any word or words that it modifies.
- (d) Uses a word or prefix, such as "former" or "ex" which means a prior status. The only exception is the use of the word "retired".
- (e) Uses the name of any political party, whether or not it has qualified for the ballot.
- (f) Uses a word or words referring to a racial, religious, or ethnic group.
- (g) Refers to any activity that is prohibited by law.

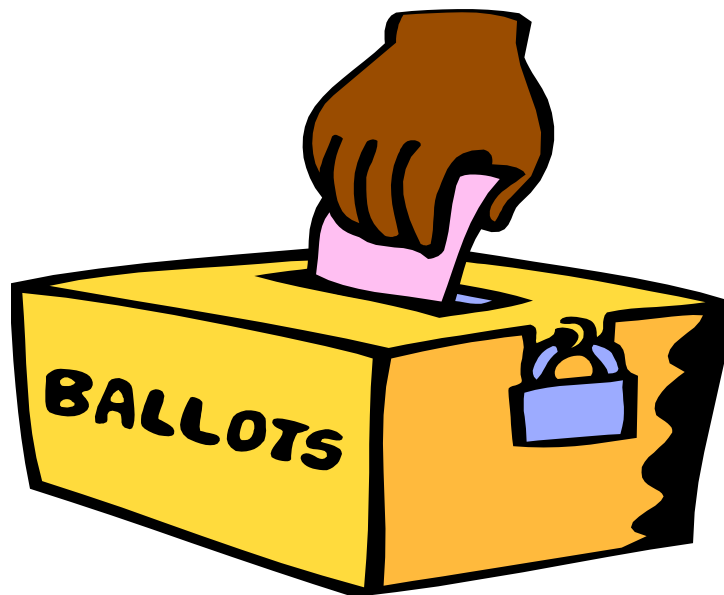
If upon checking the nomination papers the elections official finds the designation to be in violation of any of the restrictions set forth in this section, the elections official shall notify the candidate by certified mail. The candidate shall, within three days from the date of receipt of the notice, appear before the elections official or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide an alternate designation. In the event the candidate fails to provide an alternate designation, no designation shall appear after the candidate's name

The candidate shall change no designation given by a candidate after the final date for filing nomination documents, except if requested by the elections official.

The designation shall be printed in 8-point roman uppercase and lowercase type. If the designation selected is so long that it would conflict with the space requirements of Sections 13207 and 13211, the elections official shall use a type size sufficiently smaller to meet these requirements.

Whenever a foreign language translation of a candidate's designation is required under the Voting Rights Act of 1965 (42 U.S.C.A. Sec. 1971), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall use abbreviations and initials wherever possible in order to avoid undue length.

(E. C. 13107)



SECRETARY OF STATE

BALLOT DESIGNATION REGULATIONS

Chapter 7. Ballot Designations

§20710. General Provisions

- (a) The regulatory purpose of this Chapter is to ensure the accurate designation of the candidate upon the ballot in order that an informed electorate may intelligently elect one of the candidates.
- (b) The Secretary of State shall, at all times, apply and interpret the provisions of Elections Code § 13107 and the regulations included in this Chapter in a manner consistent with the regulatory purpose of this Chapter.
- (c) Candidates are not required to use a ballot designation pursuant to Elections Code § 13107, subdivision (a), and may opt to leave the space for such a designation on the ballot blank. In order to notify the elections official as to whether he or she will use a ballot designation or will opt to leave the ballot designation space blank, the candidate must initial the appropriate box on the Declaration of Candidacy or otherwise so indicate on the Declaration of Candidacy.
- (d) Pursuant to Elections Code § 13107, subdivision (a), a candidate may submit a proposed ballot designation pursuant to any one of the four provisions specified in Elections Code § 13107, subdivision (a), subparts (1) through (4), applicable to that candidate. The candidate shall be free to select from which of the applicable four subparts he or she is submitting his or her proposed ballot designation.
- (e) The regulations set forth in this Chapter shall apply only to elections held for offices for which election returns are certified by the Secretary of State of the State of California.
- (f) Whenever, the word "**should**" is used in this chapter, it is recommended, not mandatory.

NOTE: Authority: Section 12172.5, Government Code
Reference: Section 13107, Elections Code

§ 20711. Ballot Designation Worksheet

- (a) In order to facilitate review of a candidate's proposed ballot designation by the Secretary of State pursuant to Elections Code §13107, the candidate may submit, at the time of filing his or her proposed ballot designation on the Declaration of Candidacy, a completed Ballot Designation Worksheet on a form provided by the Secretary of State.
- (b) All Ballot Designation Worksheets filed with the Office of the Secretary of State or the county elections officials pursuant to this section shall be public records and shall be available for inspection and copying at the public counter of the Elections Division of the office of the Secretary of State, Fifth Floor, 1500 11th Street, Sacramento, California 95814, or at the office of the applicable county elections official.
- (c) The Secretary of State shall provide a master copy or copies of the Ballot Designation Worksheet to all elections officials responsible for providing and accepting the nomination documents for candidates in elections for offices certified by the Secretary of State. The Ballot Designation Worksheet shall request that the candidate proposing the ballot designation provide the following information:
 - (1) The candidate's name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number;
 - (2) A designation of the office for which the candidate is seeking election;

- (3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;
- (4) The proposed ballot designation submitted by the candidate;
- (5) At the option of the candidate, the candidate may submit one or more proposed alternate ballot designations ranked in order of the candidate's preference;
- (6) A brief statement identifying the factual basis upon which the candidate claims the proposed ballot designation and each proposed alternate ballot designation, including the following:
 - (A) If the candidate holds elected office and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate should indicate the elective office he or she currently occupies and may attach a copy of his or her Certificate of Election;
 - (B) If the candidate is a judicial officer and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate should indicate the elective office he or she currently holds and may attach either (A) a copy of his or her Certificate of Election or (B) a copy of his or her commission or certificate of appointment, issued at the time the candidate was appointed to the judicial office which he or she currently occupies.
 - (C) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(3), the candidate should indicate:
 - (i) The title of the position or positions which he or she claims supports the proposed ballot designation;
 - (ii) The dates during which the candidate held such position;
 - (iii) A description of the work he or she performs in the position;
 - (iv) The name of the candidate's business or employer
 - (v) The name and telephone number of a person or persons who could verify such information; and
 - (vi) A statement that the professions, vocations or occupations relied upon to support the proposed ballot designation constitute the primary, main or leading professions, vocations or occupations of the candidate, in accordance with the definition of the term "principal" as set forth at §20714, subdivision (b).
 - (D) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(4), the candidate should indicate the date on which he or she was appointed to the office for which he or she is an appointed incumbent.
- (d) The Candidate may attach or append any supporting documents or other exhibits to his or her Ballot Designation Worksheet which he or she believes support his or her proposed ballot designation. Such attached documents or other exhibits shall be deemed to be incorporated by reference as part of the candidate's Ballot Designation Worksheet and shall be considered as such by the Secretary of State.

NOTE: Authority: Section 12172.5, Government Code
Reference: Section 13107, Elections Code

§ 20712. Proposed Ballot Designations Submitted Pursuant to Elections Code §13107, Subdivision (a)(a).

Proposed ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(1) shall be subject to the following provisions:

- (a) In the case of candidates holding elective city, county, district, state, or federal office, the candidate's ballot designation shall be the elective office, which the candidate holds at the time of filing the nomination documents.

- (b) In the case of judicial officers, the candidate's ballot designation shall be the elective office, which the candidate holds at the time of filing the nomination documents.
- (c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(1).
- (d) Proposed ballot designations indicating a position of legislative leadership, such as "Majority Leader of the California Senate," "Minority Leader of the California State Assembly," "Speaker of the California State Assembly," "President Pro Tempore of the California State Senate," and the like, are not elective offices described in Elections Code § 13107, subdivision (a)(1). Such ballot designations are improper, pursuant to Elections Code § 13107. Subdivision (a)(1). They may, however, be considered under the provision of § 13107, (a)(3).
- (e) Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party, are improper, as such positions do not constitute elective county or state offices as specified in Elections Code § 13107, subdivision (a)(1).

NOTE: Authority: Section 12172.5, Government Code
Reference: Section 13107, Elections Code

§ 20713, Proposed Ballot Designations submitted Pursuant to Elections Code § 13107. Subdivision (a)(2).

Proposed ballot designations submitted pursuant to Elections Code § 13107. Subdivision (a)(2), shall be subject to the following provisions:

- (a) A proposed ballot designation submitted pursuant to Elections Code § 13107. Subdivision (a)(2), is limited "incumbent," as that term is defined in Elections Code § 13107, Subdivision (a)(2).
- (b) The term "incumbent" must be used as a noun. It shall not be used in conjunction with any other words, including any accompanying adjectives or modifiers, and must stand-alone. A candidate qualified to sue this designation pursuant to Elections Code § 13107. Subdivision (a)(2), shall be entitled to use the ballot designation "Incumbent."
- (c) The word "incumbent" is strictly limited for use in ballot designations submitted pursuant to Elections Code § 13107. Subdivision (a)(2), and may not be used as an adjective in any other ballot designation.

NOTE: Authority: Section 12172.5, Government Code
Reference: Section 13107, Elections Code

§ 20714, Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107. Subdivision (a)(3).

Proposed ballot designations submitted pursuant to Elections Code § 13107, Subdivision (a)(3), shall be subject to the following provisions:

- (a) The terms "profession," "vocation," or "occupation", as those terms are used in Elections Code § 13107. Subdivision (a)(3), are defined as follows:
 - (1) "Profession" means a field of employment requiring special education or skill and requiring specific knowledge of a particular discipline of learning or science. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual. Recognized professions generally include, but are not limited to, law, medicine, education, engineering, accountant, and journalism. Examples of an acceptable designation of a "profession," as defined in Elections Code § 13107. Subdivision (a)(3), include, but are not limited to, "attorney," "physician," "accountant," "architect," and "teacher."

- (2) "Vocation" means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. As defined, vocations may include, but are not limited to, religious ministry, child rearing, homemaking, elderly and dependent care, and engaging in trades such as carpentry, cabinetmaking, plumbing, and the like. Examples of an acceptable designation of a "vocation," as defined in Elections Code § 13107, Subdivision (a)(3), include, but are not limited to, "minister," "priest," "mother," "father," "homemaker," "dependent care provider," "carpenter," "plumber," "electrician," and "cabinetmaker."
- (3) "Occupation" means the employment in which one regularly engages or follows as the means of making a livelihood. Examples of an acceptable designation of an "occupation," as defined in Elections Code § 13107, Subdivision (a)(3), include but are not limited to, "rancher," "restaurateur," "retail salesperson," "manual laborer," "construction worker," "computer manufacturing executive," "military pilot," "secretary," and "police officer."
- (b) "Principal," as that term is used in Elections Code § 13107, Subdivision (a)(3), means a substantial involvement of time and effort such that the activity is one of the primary, main or leading professional, vocational or occupational endeavors of the candidate. The term "principal" precludes any activity, which does not entail a significant involvement on the part of the candidate. Involvement, which is only nominal, pro forma, or titular in character, does not meet the requirements of the statute.
- (1) If a candidate is licensed by the State of California to engage in a profession, vocation or occupation, the candidate is entitled to consider it one of his or her "principal" professions, vocations or occupations if:
 - (i) the candidate has maintained his or her license current as of the date he or she filed his or her nomination documents by complying with all applicable requirements of the respective licensure, including the payment of all applicable license fees and
 - (ii) the status of the candidate's license is active at the time he or she filed his or her nomination documents.
- (2) A candidate who holds a professional, vocational or occupational license issued by the State of California may not claim such profession, vocation or occupation as one of his or her "principal" professions, vocations or occupations if:
 - (i) The candidate's licensure status is "inactive" at the time the candidate files his or her nomination document, or
 - (ii) The candidate's license has been suspended or revoked by the agency issuing the license at the time the candidate files his or her nomination documents.
- (c) In order for a ballot designation submitted pursuant to Elections Code § 13107, Subdivision (a)(3), to be deemed acceptable by the Secretary of State, it must accurately state the candidate's principal professions, vocations or occupations, as those terms are defined in subdivisions (a) and (b) herein. Each proposed principal profession, vocation or occupation submitted by the candidate must be factually accurate, descriptive of the candidate's principal profession, vocation or occupation, must be neither confusing nor misleading, and must be in full and complete compliance with Elections Code § 13107 and the regulations included in this Chapter.
- (d) If the candidate is engaged in a profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate's proposed ballot designation is entitled to consist of the candidate's current principal professions, vocations and occupations. In the event the candidate does not have a current principal profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate may use a ballot designation consisting of his or her principal professions, vocations or occupations, which the candidate was principally engaged in during the calendar year immediately preceding the filing of the candidate's nomination papers.

- (e) A candidate may engage in multiple principal professions, vocations or occupations. Accordingly, the candidate may designate multiple principal professions, vocations or occupations. If a candidate proposes a ballot designation including multiple principal professions, vocations or occupations, the proposed ballot designation must comply with the following provisions:
- (1) The proposed ballot designation must comply with the three-word limitation specified in Elections Code § 13107. Subdivision (a)(3), and as implemented pursuant to subdivision (f) herein.
 - (2) Each such proposed profession, vocation or occupation shall be separately considered by the Secretary of State and must independently qualify as a "principal" profession, vocation or occupation, as that term is defined pursuant to subdivision (b) herein.
 - (3) When multiple professions, vocations or occupations are proposed as a ballot designation, they shall be separated by a slash("/"). An example of an acceptable designation would be "Legislator/Rancher/Physician."
- (f) Pursuant to Elections Code § 13107. Subdivision (a)(3), the candidate's ballot designation shall be limited to not more than three (3) words. The following rules shall govern the application of the three-word limitation.
- (1) The proposed ballot designation shall be grammatically correct, generic, and all words must be spelled correctly.
 - (2) Punctuation shall be limited to the use of a comma (e.g., district Attorney, Los Angeles County) and a slash (e.g., Legislator/Rancher/Physician), pursuant to subdivision (e) of this section. A hyphen may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language.
 - (3) All California geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. The names of special districts and political subdivisions are not "geographical names," as the term is used in Elections Code § 13107. Subdivision (a)(3). If the Candidate desires, the geographical name may be used in the form of "City of....," "County of," or "City and County of..." Examples of geographical names considered to be one word include Tehama County, Los Angeles County and County of Sacramento.
 - (4) An acronym shall be counted as one word.

NOTE: Authority: Section 12172.5, Government Code
Reference: Section 13107, Elections Code

§ 20715, Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(4).

- (a) Pursuant to Elections Code § 13107, Subdivision (a)(4), a candidate may propose a ballot designation consisting of the phrase "appointed incumbent" if the candidate holds an office, other than a judicial office, by virtue of appointment, and the candidate is a candidate for election to the same office. The candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."
- (b) Pursuant to Elections Code § 13107, Subdivision (a)(4), a candidate may propose a ballot designation consisting of the word "appointed" in conjunction with the elective office, if the candidate is a candidate for election to the same office or to some other office. The candidate may not use any words designating the office unmodified by the word "appointed."
- (c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code § 13107, Subdivision (a)(4).

§ 20716, Unacceptable Ballot Designations.

- (a) The Secretary of State shall reject as unacceptable any proposed ballot designation which fails to comply with, or is otherwise inappropriate pursuant to, Elections Code § 13107, Subdivision (a); is prohibited pursuant to Elections Code § 13107, Subdivision (b); is misleading; or is otherwise improper pursuant to the regulations set forth in this Chapter.
- (b) The following types of activities are distinguished from professions, vocations and occupations and are not acceptable as ballot designations pursuant to Elections Code § 13107, subdivision (a)(3):
 - (1) **Avocations:** An avocation is a casual or occasional activity, diversion or hobby pursued principally for enjoyment and in addition to the candidate's principal profession, vocation or occupation. Avocations may include, but are not limited to, hobbies, social activities, volunteer work, and matters pursued as an amateur.
 - (2) **Pro Forma Professions, Vocations and Occupations:** Pro forma professions, vocations or occupations are positions held by the candidate which consume little or none of the candidate's time and which, by their nature, are voluntary or for which the candidate is not compensated. Pro forma professions, vocations and occupations may include, but are not limited to, such pursuits as honorary peace officer, volunteer firefighter, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess and the like.
 - (3) **Statuses:** A status is a state, condition, social position or legal relation of the candidate to another person, persons or the community as a whole. A status is generic in nature and generally fails to identify with any particular specificity the manner by which the candidate earns his or her livelihood or spends the substantial majority of his or her time. Examples of a status include, but are not limited to philanthropist, activist, patriot, taxpayer, concerned citizen, husband, wife, and the like.
- (c) Pursuant to Elections Code § 13107, subdivision (b)(1), the Secretary of State shall reject as unacceptable any proposed ballot designation, which would mislead voters. In making this determination, the Secretary of State shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled as to the candidate's principal profession, vocation or occupation by the candidate's proposed ballot designation. The determination shall take into account the plain meaning of the words constituting the proposed ballot designation and the factual accuracy of the proposed ballot designation based upon supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation, pursuant to §§ 20711 and 20717 of this Chapter.
- (d) A ballot designation may not comprise or include commercial identification information, such as a trademark, service mark, tradename, or the specific name of a business, partnership, corporation, company, foundation, or organization. Examples of an improper use of commercial identification information include, but are not limited to, "Acme Company President, " "Universal Widget® Inventor," "Director, Smith Foundation," "UCLA Professor," and the like.
- (e) Pursuant to Elections Code § 13107, subdivision (b)(2), the Secretary of State shall reject as unacceptable any proposed ballot designation, which would suggest an evaluation of the candidate's qualifications, honesty, integrity, leadership abilities or character. Any laudatory or derogatory adjectives, which would suggest an evaluation of the candidate's qualifications, shall not be permitted. Such impermissible adjectives include, but are not limited to, "outstanding," "leading," "expert," "virtuous," "eminent," "best," "exalted," "prominent," "famous," "respected," "honored," "honest," "dishonest," "corrupt," "lazy," and the like.
- (f) Pursuant to Elections Code § 13107, subdivision (b)(3), the Secretary of State shall reject as unacceptable any proposed ballot designation which abbreviates the word "retired" or places it following any word or words which it modifies. Examples of impermissible designations include "Ret. Army General," "Major USAF, Retired" and "City Attorney, Retired."

- (g) Pursuant to Elections Code § 13107, subdivision (b)(4), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses a word or prefix to indicate a prior profession, vocation, occupation or elected, appointed or judicial office previously held by the candidate. Such impermissible words or prefixes include, but are not limited to, "Ex-," "former," "past," and "erstwhile." Examples of impermissible designations include "Former Congressman," "ex-Senator," and "Former Educator."
- (h) Subject to the provisions of Elections Code § 13107, subdivision (b)(4), use of the word "retired" in a ballot designation is generally limited for use by individual who have permanently given up their chosen principal profession, vocation or occupation. In evaluating a proposed ballot designation including the word "retired," the Secretary of State will consider the following factors in making a determination as to the propriety of the use of the term "retired":
- (1) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;
 - (2) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;
 - (3) The candidate has reached at least the age of 55 years;
 - (4) The candidate voluntarily left his or her last professional, vocational or occupational position;
 - (5) If the candidate is requesting a ballot designation indicating that he or she is a retired public official, the candidate must have previously voluntarily retired from public office, not have been involuntarily removed from office, not have been recalled by voters, and not have surrendered the office to seek another office or failed to win reelection to the office.
 - (6) The candidate has not had another more recent, intervening principal profession, vocation or occupation; and,
 - (7) The candidate's retirement benefits are providing him or her with a principal source of income.
- (i) Pursuant to Elections Code § 13107, subdivision (b)(5), the Secretary of State shall reject as unacceptable any proposed ballot designation that uses the name of any political party, whether or not it has qualified for recognized ballot status.
- (j) Pursuant to Elections Code § 13107, subdivision (b)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation, which uses a word or words referring to a racial, religious, or ethnic group.
- (1) The Secretary of State shall reject as unacceptable any ballot designation that expressly contains or implies any ethnic or racial slurs or ethnically or racially derogatory language.
 - (2) If the candidate is a member of the clergy, the candidate may not make reference to his or her specific denomination. However, the candidate may use his or her clerical title as a ballot designation (e.g. "Rabbi," "Pastor," "Minister," "Priest," "Bishop," "Deacon," "Monk," "Nun," "Imam," etc.)
- (k) Pursuant to Elections Code § 13107, subdivision (b)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation that refers to any activity prohibited by law. Unlawful activity includes any activities, conduct, professions, vocations, or occupations prohibited by state or federal law.

NOTE: Authority: Section 12172.5, Government Code
Reference: Section 13107, Elections Code

§ 20717, Requests for Supporting Documentation.

In addition to the Ballot Designation Worksheet requested to be filed with the Secretary of State pursuant to § 20711 of this Chapter, the Secretary of State may request that a candidate submit additional supporting documentation or other evidence to support the proposed ballot designation.

- (a) Time is of the essence regarding all matters pertaining to the review of proposed ballot designations submitted by candidates for public office. Failure to promptly submit requested supporting materials will preclude consideration of such materials and the rendering of a summary, final decision on the candidate's proposed ballot designation.
- (b) The Secretary of State will communicate, whenever possible, with the candidate in the most expeditious manner, including, but not limited to, telephone, facsimile transmission and electronic mail at the number or address provided by the candidate. When the candidate does not have reasonable access to a facsimile machine or electronic mail, the Secretary of State will transmit written communication to the candidate by means of overnight express delivery to the address provided by the candidate.
- (c) The candidate shall have the burden of establishing that the proposed ballot designation that he or she has submitted is accurate and complies with all provisions of Elections Code § 13107 and the Chapter.

NOTE: Authority: Section 12172.5, Government Code

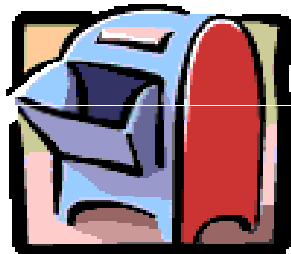
Reference: Section 13107, Elections Code

§ 20718, Communication of Decisions Regarding Ballot Designations.

- (a) An official copy of the decision of the Secretary of State regarding a candidate's ballot designation will be made in writing and transmitted directly to the candidate by registered or certified mail, return receipt requested, to the address provided by the candidate. The Secretary of State shall also provide a copy to the elections official in the candidate's county of residence and to the elections official of each county within the political subdivision. Copies may also be made available to all other candidates in the race.
- (b) At the request of the candidate, the Secretary of State will transmit an unofficial copy of the decision of the Secretary of State regarding the candidate's proposed ballot designation by facsimile transmission sent to the facsimile number listed on the candidate's Ballot Designation Worksheet. When the candidate does not have reasonable access to a facsimile machine, the Secretary of State will transmit to the candidate, at the candidate's request, an unofficial copy of the decision by means of overnight express delivery to the address listed on the candidate's Ballot Designation Worksheet provided. If the candidate has not submitted a Ballot Designation worksheet, the Secretary of State will transmit an official copy to the facsimile number provided by the candidate or, if the candidate does not have reasonable access to a facsimile machine, by overnight express mail to the address provided by the candidate.
- (c) Telephone notice pertaining to any ex parte applications filed with the court by any candidate or other interested party should be directed to the attention of the Chief Counsel to the Secretary of State at (916) 653-7244. Counsel for all parties to such ex parte matters are admonished that waivers of the Secretary of State's right to timely notice and the right to personally appear at the ex parte hearing will be granted in writing and only in limited instances.
- (d) The Secretary of State shall provide a copy of any legal actions in subdivision (a) or (b) above to the elections official in the county of the candidate's residence and any other county in the district.

NOTE: Authority: Section 12172.5, Government Code

Reference: Section 13107, Elections Code





CANDIDATE'S STATEMENT LAWS

Elections Code Section 13307: Preparation & Form of **Candidate Statement**

Nothing in this section shall be deemed to make any statement or the authors free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for printing or contained in the voter's pamphlet. (E. C. 13307)

The statements shall remain confidential until the expiration of the filing deadline. (E. C. 13311)

- (a) (1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or districts, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, have no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement will not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.
- (2) The statement authorized by this subdivision will be filed in the office of the elections official when the candidate's nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no primary. The statement will be filed in the office of the elections official no later than the 88th day before the election, if it is for an election for which nomination papers are not required to be filed. If a runoff election or general election occurs within 88 days of the primary or first election, the statement will be filed with the elections official by the third day following the governing body's declaration of the results from the primary or first election.
- (3) Except as provided in Section 13309, the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.
- (b) The elections official will send to each voter, together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate that is prepared pursuant to this section. The statement of each candidate will be printed in type of uniform size and darkness, and with uniform spacing. The elections official will provide a Spanish translation to those candidates who wish to have one, and will select a person to provide that translation from the list of approved Spanish language translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.
- (c) The local agency may estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the receipt for the payment will include a written notice that the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the election official is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund

- (d) any excess paid depending on the final actual cost. In the event of underpayment, the elections official may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the elections official will prorate the excess amount between the candidates and refund the excess amount paid within 30 days of the election.
- (e) Nothing in this section will be deemed to make any statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for printing or contained in the voter's pamphlet.
- (f) Before the nominating period opens, the local agency for that election will determine whether a charge will be levied against that candidate for the candidate's statement sent to each voter. This decision will not be revoked or modified after the seventh day prior to the opening of the nominating period. A written statement of the regulations with respect to charges for handling, packaging, and mailing will be provided to each candidate or his or her representative at the time he or she picks up the nomination papers.
- (g) For purposes of this section and Section 13310, the board of supervisors will be deemed the governing body of judicial elections.

Elections Code Section 13308: Candidate's Statement for Judicial Offices

In addition to the restrictions set forth in Section 13307, any candidate's statement submitted pursuant to Section 13307 by a candidate for judicial office will be limited to a recitation of the candidate's own personal background and qualifications, and will not in any way make reference to other candidates for judicial office or to another candidate's qualifications, character, or activities. The elections official will not cause to be printed or circulated any statement that the election official determines is not so limited or which includes any reference prohibited by this section.

Elections Code Section 13311: Confidentiality of Candidate's Statement

Notwithstanding the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), the statements filed pursuant to Section 13307 will remain confidential until the expiration of the filing deadline.

Elections Code Section 9: Counting of Words

- (a) Counting of words, for purposes of this code, will be as follows:
 - 1) Punctuation is not counted.
 - 2) Each word will be counted as one word except as specified in this section.
 - 3) All geographical names will be considered as one word; for example, "City and County of San Francisco" will be counted as one word.
 - 4) Each abbreviation for a word, phrase, or expression will be counted as one word.
 - 5) Hyphenated words that appear in any generally available dictionary will be considered as one word. Each part of all other hyphenated words will be counted as a separate word.
 - 6) Dates consisting of a combination of words and digits will be counted as two words. Dates consisting only of a combination of digits will be counted as one word.
 - 7) Any number consisting of a digit or digits will be considered as one word. Any number that is spelled as "one" will be considered as a separate word or words. "One" will be counted as one word, whereas "one hundred" will be counted as two words. "100" will be counted as one word.
- (b) This section will not apply to counting words for ballot designations under Section 13107.

SAMPLE

DAVID HOWELL

AGE: 27 (otional)

Occupation: Attorney

Education and Qualifications: I can bring to the office a diversity of viewpoints and experience. Born and raised in the San Francisco area with my family still farming, I can appreciate the concerns of the environmentalist. On the other hand, having been in business since my undergraduate days at college and with my experience in the rental and real estate fields, I appreciate the housing requirements of our community. As a recent student, I understand their needs for a variety of housing choices and their frustration with high rental costs. I tend towards moderation and a real balancing of the competing segments of the community. I encourage differing viewpoints rather than the "them and us" concept.

As a Councilman, I would balance the narrow spectrum of views that have dominated the Council the past four years. I advocate a program to protect our neighborhoods from increasing overcrowding and visual blight. I support a shopping center in the city and would insist on a plan to encourage the commercial enterprises that compliment our shopping needs. Our council should actively consider subsidized housing for senior citizens and perhaps others, but with implementation only after voter approval of a specific program.

s/David Howell
(Signature)

REGULATIONS CONCERNING POLITICAL CAMPAIGNS

Section No. 1 - Representation Requirements

Section No. 2 - Political Advertisement Requirements

Section No. 3 - Simulated Ballot Requirements

Section No. 4 - Distribution of Precinct Polling Place Information

Section No. 5 - Electioneering Near Polling Place

Section No. 6 - Electioneering During Absentee Voting

Section No. 7 - Political Signs

Section No. 8 - Mass Mailing and Campaign Literature



Section No. 1 - Representation Requirements

No candidate, or committee in the candidate's behalf, shall represent in connection with an election campaign, either orally or in campaign material, that the candidate has the support of a committee or organization that includes as part of its name a qualified political party with which the candidate is not affiliated, together with the words "County Committee," "Central Committee," "County," or any other term that might mislead the voters into believing that the candidate has the support of that party's County or State Central Committee, when that is not the case.

This section does not prevent a candidate or committee from representing that the candidate has the support of a committee or group of voters affiliated with another political party, which committee or group is identified by the name of that party, where the name of the committee or group also includes the name of the candidate.

Any member of a County or State Central Committee may commence an action in the Superior Court to prohibit misrepresentation by a candidate or committee in the candidate's behalf, to the effect that the candidate has the support of the County or State Central Committee involved. (E. C. 20007)

Section No. 2 - Political Advertisement Requirements

Any paid political advertisement that refers to an election or to any candidate for elective office and that is contained in or distributed with a newspaper, shall bear on each surface or page, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement". The words shall be set apart from any other printed matter.

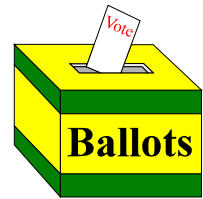
"Paid Political Advertisement" means and shall be limited to, published statements paid for by advertisers for purposes of supporting or defeating any person who has filed for an elective office. (E. C. 20008)

Section No. 3 - Simulated Ballot Requirements

(a) Every simulated ballot or sample ballot shall bear on each surface or page, in type or lettering at least half as large as the type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:



NOTICE TO VOTERS **(Required by Law)**



This is not an official ballot or an official sample ballot prepared by the County Elections Official or the Secretary of State.

This is an unofficial, marked ballot prepared by (insert name and address of the person or organization responsible for preparation thereof).

Nothing in this section shall be construed to require this notice in any editorial or other statement appearing in a regularly published newspaper or magazine other than a paid political advertisement.

(b) No simulated ballot or sample ballot shall bear any official seal or the insignia of any public entity, nor shall that seal or insignia appear upon the envelope in which it is mailed or otherwise delivered. (E. C. 20009)

Section No. 4 - Distribution of Precinct Polling Place Information

Every person is guilty of a misdemeanor who knowingly causes to be mailed or distributed, or knowingly mails or distributes, literature to any voter that includes a designation of the voter's precinct polling place other than a polling place listed for that voter in an official polling place list that was the latest list at sometime not more than 30 days prior to the mailing or distribution. (E. C. 18302)

Section No. 5 - Electioneering Near Polling Place

No person, on election day, shall within 100 feet of a polling place:

- (a)** Circulate an initiative referendum, recall, nomination petition or any other petition.
- (b)** Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- (c)** Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications.
- (d)** Do any electioneering.

As used in this section, "100 feet of a polling place" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

Any person who violates any of the provisions of this section is guilty of a misdemeanor. (E. C. 18370)

Section No. 6 - Electioneering During Absentee Voting

No candidate or candidate's representative, and no proponent, opponent, or their representative, of an initiative, referendum, or recall measure, or of a charter amendment, shall solicit the vote of an absentee voter, or do any electioneering, while in the residence or in the immediate presence of the voter, and during the time he or she knows the absentee voter is voting.

Any person who knowingly violates this section is guilty of a misdemeanor.

This section shall not be construed to conflict with any provision of the Federal Voting Rights Act of 1965, as amended, nor to preclude electioneering by mail or telephone or in public places, except as prohibited by Section 18370, or by any other provision of law. (E. C. 18371)

Section No. 7 - Political Signs

The placement of political signs may be regulated by the state, county or city depending upon the location of such signs:

STATE - Section 5405.3 of the State Outdoor Advertising Act authorizes the placing of “temporary political signs” separate and apart from the normal outdoor advertising display controls. No such political signs, however, may be placed within the right of way of any highway or within 660 feet of the edge of and visible from the right of way of a landscaped freeway.

Temporary political signs are signs which meet the following criteria:

- (a) Encourages a particular vote in a scheduled election.
- (b) Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after that election.
- (c) Is no larger than 32 square feet.
- (d) Has had a Statement of Responsibility filed with the Department of Transportation certifying a person who will be responsible for removing the sign.

A Statement of Responsibility should be filed with the Department of Transportation, Division of Right of Way, 2208 N. Hayston, Fresno, CA 93703-2623. Signs that do not comply with these regulations will be removed by the Department of Transportation and the responsible party will be billed for removal costs after the election. For more information, call the Department of Transportation, (916) 654-4790.

COUNTY - No county ordinance on the placement of political signs. (For county roads, see above under State).

CITIES - Candidates need to check with the City Clerk of the city in which they wish to place political signs to make sure such signs are not in violation of a city ordinance.

	REMOVE WITHIN:	CITY CLERK	PLACE
Clovis	⊗ 14 days	☎ 297-2307	*not sooner than 90 days prior
Coalinga	⊗ 5 days (Bond required)	☎ 35-1531	*not sooner than 60 days prior
Fresno	⊗ 15 days	☎ 98-1321	*not sooner than 90 days prior
Kerman	⊗ 14 days	☎ 46-9384	*not sooner than 90 days prior
Kingsburg	⊗ 7 days	☎ 97-5821	*not sooner than 90 days prior
Sanger	⊗ 15 days	☎ 75-2587	*not sooner than 90 days prior
Selma	⊗ 15 days	☎ 96-1064	*not sooner than 90 days prior

Cities that **DO NOT** have additional codes regarding campaign signs are as follows: (For additional information, please call the City Clerk at their respective number.)

Firebaugh	☎ 659-2043	Orange Cove	☎ 626-5100
Fowler	☎ 834-3113	Parlier	☎ 646-3545
Huron	☎ 945-2241	San Joaquin	☎ 693-4311
Mendota	☎ 655-3291		

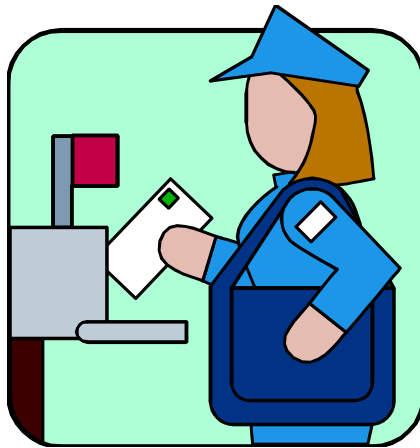
Section No. 8 - Mass Mailing and Campaign Literature

Mass Mailing - No candidate, committee, or officeholder may make an expenditure for a "Mass Mailing" (more than 200 similar pieces sent within a month) unless the sender's name and address appear on the envelope and on at least one insert in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. However, if the sender is a single candidate or committee, the identification need only be shown on the outside of each piece of mail. If the sender is a controlled committee, the name of the person controlling the committee must be included. The treasurer's name and committee identification number are not required on mass mailings. (G. C. 84305)

Campaign Literature - Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication -

- (1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or
- (2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;
- (3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

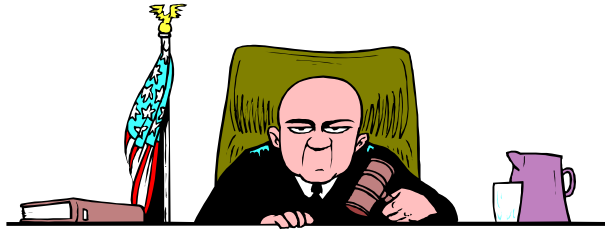
(4)
No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes. (2 U.S.C. 441d)



PENAL PROVISIONS

Section No. 1 - Nomination of Candidates

Section No. 2 - Elections Campaigns



Section No. 1 - Nomination of Candidates

The following violations are **felonies** and are punishable by imprisonment in the state prison for 16 months, or 2 or 3 years:

Every person who subscribes to any nomination petition a fictitious name, or who intentionally subscribes the name of another, or who causes another to subscribe a fictitious name to a nomination petition. (E. C. 18200)

A person who falsely makes or fraudulently defaces or destroys all or any part of a nomination paper, or a person who files or submits for filing a nomination paper or declaration of candidacy knowing that it or any part of it has been made falsely. (E. C. 18201, 18203)

A person who willfully suppresses all or any part of a nomination paper or declaration of candidacy either before or after filing. (E. C. 18204)

A person shall not directly or through any other person advance, pay, solicit, or receive, or cause to be advanced, paid, solicited, or received any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office. (E. C. 18202)

Every person acting on behalf of a candidate is guilty of a **misdemeanor** who deliberately fails to file at the proper time and in the proper place any nomination paper or declaration of candidacy in his or her possession, that is entitled to be filed under this code. (E. C. 18202)

Section No. 2 - Elections Campaigns

The following violations are **felonies** and are punishable by imprisonment in the state prison for 16 months or 2 or 3 years:

A person shall not directly or through any other person pay or receive any money or other valuable consideration before, during, or after an election in order to reward any person or as a reward for voting for or against or agreeing to vote for or against the election or endorsement of any other person as the nominee or candidate of any caucus, convention, organized assemblage of delegates, or other body representing or claiming to represent a political party, candidate, or principle, or any club, society, or association. (E. C. 18310)

Every person commits a **felony** who:

- (a) Gives or offers a bribe to any officer or member of a political convention, committee, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust or profit in this state, with intent to influence the person to whom the bribe is given or offered to be more favorable to one candidate than another; or
- (b) Being a member of any of the bodies mentioned in this section receives or offers to receive any bribe described in subdivision (a). (E. C. 18311)

A person who commits or attempts to commit fraud, and any person who aids or abets, or attempts to aid or abet fraud, in connection with any vote cast, to be cast, or attempted to be cast. (E. C. 18500)

The following violations are misdemeanors:

Any person who prints or duplicates, or causes to be printed or duplicated, a simulated ballot or sample ballot that does not contain the statement required to Section 20009 (Notice to Voters) or which uses an official seal or insignia in violation of that section. (E. C. 18301)

Every person who, with intent to mislead the voters in connection with his or her campaign for nomination or election to a public office or in connection with the campaign of another person for nomination or election to a public office, does either of the following acts:

- (a) Assume, pretend, or imply by statements or conduct, that he or she is the incumbent of a public office when that is not the case; or
- (b) Assume, pretend, or imply by statements or conduct, that he or she is or has been acting in the capacity of a public officer when that is not the case. (E. C. 18350)

Candidates who knowingly make a false statement in a candidate's statement, with the intent to mislead the voters in a campaign for nomination or election to a nonpartisan office, is punishable by a fine not to exceed \$1,000. (E. C. 18351)

For more information on Penal Provisions, see the California Elections Code, Sections 18000 through 18700.



PROCEDURES FOR WRITE-IN CANDIDATES

Section No. 1 - Filing as a Write-In Candidate

Every person who desires to be a write-in candidate shall file:

- (1) A statement of write-in candidacy on a form provided by the elections official.
- (2) The required number of signatures on the nomination papers. (E. C. 8600)

The statement and nomination papers shall be available on the 57th day prior to the election and shall be filed with the elections official no later than 14 days before the election. (E. C. 8601)

Signers of nomination papers for write-in candidate shall be voters in the district or political subdivision in which the candidate is to be voted on. If the candidate is seeking a party nomination for an office, the signers shall also be affiliated with the party whose nomination is sought. (E. C. 8603)

No name written upon a ballot shall be counted for an office or nomination unless the candidate whose name has been written on the ballot has complied with the above requirements. (E. C. 15351)

There is no filing fee for a write-in candidate. (E. C. 8604)



GUIDELINES FOR FILING ARGUMENTS



Type or print legibly. Also, please provide the Elections Office with a 3 1/2" diskette in Word 97. The limit is 300 words, which does not include the title or signature lines. All arguments **with a statement (see sample below)** must be filed with the County Elections Office, by 5:00 p.m. on the last day set for arguments. The County Clerk sets the deadline which is usually 81 days before the election. Check with the Elections Office for the exact date.

All arguments are printed as filed. The Elections Office is not responsible for correcting misspellings, grammar, or punctuation.

Only one argument for and one argument against each measure will be printed. The County Clerk will choose the arguments to be printed on the ballot if more than one are filed. The selection of arguments is based on the order of preference as stated in the Elections Code.

For more information, see the California Elections Code.

REBUTTAL ARGUMENTS

Only authors of arguments may sign rebuttal arguments. Names added to rebuttal arguments that were not on the original arguments must be authorized (see attachment). **A statement (verification) is also required on rebuttal arguments (see the sample below).**

Rebuttal arguments are limited to 250 words. Rebuttal arguments must be filed with the County Elections Office, by 5:00 p.m. on the tenth day (including weekends) after the deadline for filing arguments. Check with the Elections Office for the exact date. Also, please provide the Elections Office with a 3 1/2" diskette in Word 97.

For more information, see the California Elections Code.

IMPORTANT

Elections Code Section 9600 states: "All arguments concerning measures filed pursuant to this division shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:"

The undersigned proponent(s) or author(s) of the _____ (primary or rebuttal) argument _____ (in favor of/against) ballot proposition _____ (name or number) at the _____ (title of election) election for the _____ (jurisdiction) to be held on _____ (date) hereby state that such argument is true and correct to the best of _____ (his/her/their) knowledge and belief.

Signed _____

Date _____

For examples of arguments and rebuttal arguments, see the attachments.

SAMPLE

FILED

Aug 16 1996

Susan B. Anderson

By J. Kelly
DEPUTY

(County Service Area No. 48 for Sunnyside)

Fresno continues to make headlines in violent crime and Sunnyside is no exception.

Measure K is a rare one-time opportunity for residents in the unincorporated area of Sunnyside to directly fund an additional 12 hours a day of sheriff's protection. This additional patrolling will be used exclusively for our neighborhoods, covering about three square miles.

Why do we need additional sheriff's protection? Currently, Sunnyside is patrolled by one officer servicing a 40 square mile territory. Growth is already outpacing law enforcement funding and the population of our community is expected to more than double in the next 10 years. This growth will further isolate county residents in Sunnyside and slow critical response times. County Service Area No. 48 gives Sunnyside the chance to receive additional law enforcement protection now.

Does additional sheriff's protection work? Ask Fig Garden residents who overwhelmingly support their own law enforcement protection district and recently voted to increase their service. They say, "Yes! It works! Increased Sheriff's patrols not only shorten critical response times, but also act as a deterrent to discourage crime before it takes root and grows." Regularly assigned officers patrolling the limited service area become very knowledgeable about their beat and are increasingly effective.

Thirty-one cents a day is a small but wise investment in our family's safety, the security of our property, and our community's future. These self-directed moneys are 100% tax-deductible. Our Sheriff and an elected citizens' advisory council will assure that these funds are used prudently and only for our protection.

Measure K is Sunnyside's "Key" to be a community with a difference and a safer place to call "home." We strongly urge you to vote YES on Measure K.

Martha Voter
Martha Voter

Karen Precinct
Karen Precinct, President
Sunnyside Property Owners Association

Richard Flag
Richard Flag

Margaret Star
Margaret Star

The undersigned proponents of the primary argument in favor of ballot proposition Measure K (County Service Area No. 48) at the General election for the County of Fresno to be held on November 5, 1996, hereby state that such argument is true and correct to the best of their knowledge and belief.

Martha Voter
Martha Voter

08/26/96
Date

Karen Precinct
Karen Precinct, President
Sunnyside Property Owners Association

08/26/96
Date

Richard Flag
Richard Flag

08/26/96
Date

Margaret Star
Margaret Star

08/26/96
Date

SAMPLE

FILED

Aug 26 1996

Susan B. Anderson

By B. Vaughan
DEPUTY

**REBUTTAL TO ARGUMENT AGAINST MEASURE K
(County Service Area No. 48 for Sunnyside)**

The following is a reply to each of the erroneous arguments against Measure K.

1. Measure K is a flat tax.
2. The fees stated in the Impartial Analysis are actual.
3. The Consumer Price Index and Article XIII B of the California Constitution limit increases.
4. 93 cents of every dollar goes to protection after the first year's formation costs.
5. Since drastically losing 33 positions in 1987, the Sheriff's Department has only added BACK a few deputies.
- 6-7 Federal, State, and Local law enforcement dollars are sadly deficient considering the needs of our increasing population.
8. The Police and Sheriff Departments are NOT consolidating services in Sunnyside!
9. The Sheriff promises that our existing base coverage will continue and be reinforced by regularly assigned officer(s) patrolling 12 hours a day.
10. This money is strictly for protection and any surplus reduces taxes in subsequent years.
11. We are already paying a higher price for crime!
12. Proposition 13 specifically allows citizens to provide for their own special needs when approved by 2/3 of the voters!

Thousands of hours have been spent to obtain the approval necessary to offer Sunnysiders this rare one-time opportunity to profoundly change Sunnyside's future. We will never have an opportunity like this again!

We urge you to vote YES on MEASURE K.

Martha Voter

Martha Voter

Karen Precinct

Karen Precinct, President
Sunnyside Property Owners Association

Richard Flag

Richard Flag

Margaret Star

Margaret Star

The undersigned proponents of the primary argument in favor of ballot proposition Measure K (County Service Area No. 48) at the General election for the County of Fresno to be held on November 5, 1996, hereby state that such argument is true and correct to the best of their knowledge and belief.

Martha Voter

Martha Voter

Karen Precinct

Karen Precinct, President
Sunnyside Property Owners Association

Richard Flag

Richard Flag

Margaret Star

Margaret Star

08/26/96

Date

08/26/96

Date

08/26/96

Date

08/26/96

Date

SAMPLE

Release For Rebuttal Argument

We, the undersigned, are the authors who submitted the initial argument in favor of Measure F at the Municipal election to be held on March 2, 1993.

Nick Candidate

Nick Candidate

12/28/92

Date

Colin Campaign

Colin Campaign

12/26/92

Date

Robert E. Signature

Robert E. Signature

12/28/92

Date

Rosellen Register

Rosellen Register

12/26/92

Date

We hereby authorize the following individuals to sign the rebuttal argument in our place.

1. Daniel K. Voter
2. Judith Booster
3. Rutherford Campaign



INCOMPATIBLE OFFICES

As of August 21, 2000



Under the common law doctrine of incompatible offices, two public offices with conflicting loyalties cannot be held at the same time - abstention on a case-by-case basis is not allowed. If a person takes a second, incompatible office, he or she automatically resigns from the first office upon being sworn into the second.

This is a common law doctrine, which means that it may be changed by state or local law. In the absence of a specific statute, charter provision, or ordinance authorizing the holding of dual positions, however, the Attorney General may be asked for permission to sue to remove someone from an office which the complaining person thinks is incompatible with another office. There are very few cases, so although these opinions are not binding on a court, they are considered highly persuasive.

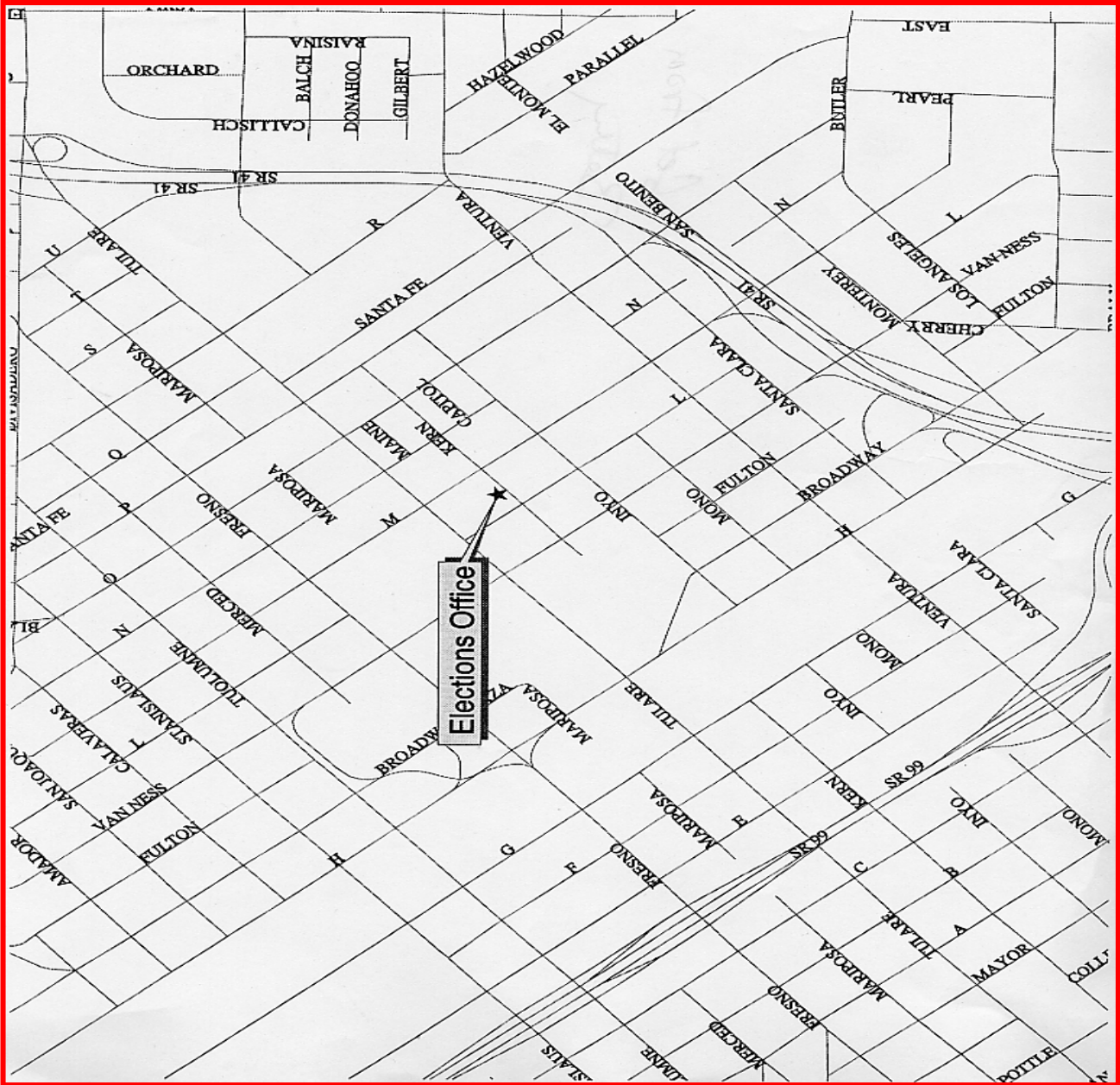
The Attorney General looks at two factors in deciding whether two offices are incompatible: whether both positions are "public offices" for purposes of this doctrine, and, if yes, whether the positions have conflicting loyalties. To be a public office in this context, a position need not be an official elected or appointed office - it simply must have enough discretionary authority to meet the Attorney General's standards. As a result, some types of employment by public agencies (mostly CEO-type positions) are considered public offices. The decision as to whether two positions have conflicting loyalties depends on such fact-specific questions as whether the public agencies have overlapping territory, whether they ever do business with each other or could otherwise come into conflict, etc.

A current public officer may run for a second office and then, if elected, resign from the first one by taking the second one. However, a person considering running for election, although not prohibited by law from running, should be alerted to the potential for incompatible offices. Therefore, the following table attempts to show all of the elected offices which might be of interest to a person running in **Fresno County**, which have been deemed by the Attorney General (since January 1, 1977) to be incompatible with some other position.

OFFICE	INCOMPATIBLE WITH	ATTORNEY GENERAL OPINION
CITY OFFICES		
City Council Member	Community services district board member	83 Ops.Cal.Atty.Gen.53 (2000)
	School board member	65 Ops.Cal.Atty.Gen.606 (1982); 73 Ops.Cal.Atty.Gen.354 (1990)
	Fire chief of fire protection district.	76 Ops.Cal.Atty.Gen. 38 (1993)
	County planning commissioner	63 Ops.Cal.Atty.Gen. 607 (1980)
	Water district board member	75 Ops.Cal.Atty.Gen.10 (1992); 82 Ops.Cal.Atty.Gen.74 (1999)
City Planning Commissioner	Water district board member	82 Ops.Cal.Atty.Gen.68 (1999)
City Treasurer	Water district board member	80 Ops.Cal.Atty.Gen.242 (1997)
Mayor	Airport district board member	63 Ops.Cal.Atty.Gen.623 (1980)

OFFICE	INCOMPATIBLE WITH	ATTORNEY GENERAL OPINION
SCHOOL OFFICES		
School Board Member	City Council member	65 Ops.Cal.Atty.Gen.606 (1982); 73 Ops.Cal.Atty.Gen.354 (1990)
	City manager	80 Ops.Cal.Atty.Gen.74 (1997)
	Community services district board member	73 Ops.Cal.Atty.Gen.183 (1990); 75 Ops.Cal.Atty.Gen.112 (1992)
	Member of county committee on school district organization	68 Ops.Cal.Atty.Gen.240 (1985)
	Water district board member	73 Ops.Cal.Atty.Gen.268 (1990)
High School District Board Member	Elementary school district board member	68 Ops.Cal.Atty.Gen.171 (1985); 79 Ops.Cal.Atty.Gen.284 (1996)
Elementary school district board member	High school district board member	68 Ops.Cal.Atty.Gen.171 (1985); 79 Ops.Cal.Atty.Gen.284 (1996)
County Board of Education Member	County planning commissioner	79 Ops.Cal.Atty.Gen.155 (1996)
County Superintendent of Schools	Member of State Board of Education	74 Ops.Cal.Atty.Gen.116 (1991)
County Supervisor	Fire Chief of fire protection district	66 Ops.Cal.Atty.Gen.176 (1983)
	General Manager of water district	67 Ops.Cal.Atty.Gen.409 (1984)
	Member of the Board of Governors of the California Community Colleges	78 Ops.Cal.Atty.Gen.316 (1995)
	Public utility district board member	64 Ops.Cal.Atty.Gen.137 (1981)
SPECIAL DISTRICTS		
Airport District Board Member	Mayor	63 Ops.Cal.Atty.Gen.623 (1980)
Community Service District Board Member	City Council	83 Ops.Cal.Atty.Gen.53 (2000)
	General manager/administrator of hospital district	68 Ops.Cal.Atty.Gen.337 (1985)
	Superintendent of schools	68 Ops.Cal.Atty.Gen.337 (1985)
	School board member	73 Ops.Cal.Atty.Gen.183 (1990); 75 Ops.Cal.Atty.Gen.112 (1992)
Irrigation District Board Member	Water district board member	76 Ops.Cal.Atty.Gen.81 (1993)
Public Utility District Board Member	County Supervisor	64 Ops.Cal.Atty.Gen.137 (1981)
Water District Board Member	City council member	75 Ops.Cal.Atty.Gen.10 (1992); 82 Ops.Cal.Atty.Gen.74 (1999)
	City planning commissioner	82 Ops.Cal.Atty.Gen.68 (1999)
	City treasurer	80 Ops.Cal.Atty.Gen.242 (1997)
	County planning commissioner	64 Ops.Cal.Atty.Gen.288 (1981)
	Irrigation district board member	76 Ops.Cal.Atty.Gen.81 (1993)
	School board member	73 Ops.Cal.Atty.Gen.268 (1990)

MAP TO THE COUNTY CLERKS OFFICE



Location & Directions: Located in downtown Fresno near the Fresno County Plaza building; between 'M' and 'L' Streets, a block south of Tulare Street. From **Freeway 41 south** take the Tulare exit; Tulare to 'M' St.; Left on 'M' St. to Kern St.' Right on Kern (located in first block on the right hand side). From **Freeway 41 north** take the Van Ness exit; Van Ness to Kern St.; Right on Kern St. From Freeway 99 take the Ventura exit; Ventura to Van Ness; Van Ness to Kern St.; Right on Kern St.